DAVID T. BIDERMAN, Bar No. 101577
TIMOTHY J. FRANKS, Bar No. 197645
M. CHRISTOPHER JHANG, Bar No. 211463
FARSCHAD FARZAN, Bar No. 215194
PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
San Francisco, California 94111
Telephone: (415) 344-7000
Facsimile: (415) 344-7050
Email: DBiderman@perkinscoie.com
Email: TFranks@perkinscoie.com
Email: CJhang@perkinscoie.com
Email: FFarzan@perkinscoie.com

Attorneys for Defendant GOOGLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

CASE NO. C 05-03649 JW

[PROPOSED] ORDER GRANTING GOOGLE INC.'S ADMINISTRATIVE MOTION FOR LEAVE TO FILE UNDER SEAL ITS REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' "120% RULE" AND "PARTIAL MONTH" CLAIMS

Date: December 1, 2008
Time: 9:00 a.m.
Place: Courtroom 8
Judge: Honorable James Ware

Dockets.Justia.com

Defendant Google Inc.'s ("Google's") Administrative Motion for Leave to File Under Seal Documents in Connection with Its Reply in Support of Its Motion for Partial Summary Judgment on Plaintiffs' "120% Rule" and "Partial Month" Claims (the "Motion") was heard before this Court on December 1, 2008 at 9:00 a.m. Upon consideration of this Motion and the supporting Declaration of Farschad Farzan filed therewith, the Court finds there is good cause to grant Google's request to file the following documents and information under seal:

> **Google Inc.'s Reply in Support of Its Motion for Partial Summary Judgment on Plaintiffs' "120% Rule" and "Partial Month" Claims**, and
>
> **Exhibits 6 and 7 to the Declaration of Farschad Farzan in Support of Google Inc.'s Reply in Support of Its Motion for Partial Summary Judgment on Plaintiffs' "120% Rule" and "Partial Month" Claims.**

GOOD CAUSE having been shown, the Court finds that:

(1) The parties possess overriding confidentiality interests that overcome the right of public access to the record in the above-mentioned document;

(2) The parties' overriding confidentiality interests support sealing the record;

(3) A substantial probability exists that the parties' overriding confidentiality interests will be prejudiced if the record is not sealed;

(4) The proposed sealing is narrowly tailored; and

(5) No less restrictive means exist to achieve this overriding interest.

IT IS THEREFORE ORDERED that Google's Motion is GRANTED.

IT IS SO ORDERED.

DATED: November 18, 2008

The Honorable James Ware
United States District Judge

41063-0023/LEGAL14928817.1